UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,596	06/30/2003	Jeremy L. Rover	42P17061	2517

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EXAMINER
OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 May 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22 and 39-43* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22 and 39-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   This action is responsive to amendment filed on May 9, 2007, where applicant amended

claims 1 and 39 and cancelled claims 23-38. Claims 1-22 and 39-43 are pending.

2.   Applicant's arguments, with respect to the previous rejection(s) of claim(s) 1-43 have

been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of

Champagne et al.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 1-19,39-43 rejected under 35 U.S.C. 102(e) as being anticipated by**

Champagne et al (US Patent No 7,188,160).

5.   In reference to claim 1, Gai teaches a method comprising:

receiving a description of a network component (column 3 line 60 – column 4 line 18);

and

placing at least a portion of the received description into one of a plurality of sections of

an electronic list of network components, each of the plurality of sections having a standard

format (column 3 line 60 – column 4 line 18)

wherein each of the plurality of sections corresponds to a capability of a network

component, and further wherein the electronic list of network components includes (column 6

lines 38-67)

a dynamic network device section to contain a description of one or more network

components that can be moved from one location on a network to another location (column 6

lines 38-67, see configuration file in columns 6-7, "<!DOCTYPE device-config"),

a non-dynamic network device section to contain a description of one or more network

components having a static IP address (column 6 lines 38-67, see configuration file in columns

6-7, "<!DOCTYPE device-config"), and

a power management section to contain a description of one or more power management

modules to programmatically apply to a network component (column 6 lines 38-67, see

configuration file in columns 6-7, "<!ELEMENT chassis...")..

6.   In reference to claim 2, Gai teaches the method of claim 1, wherein receiving the

description of the network component includes receiving a description of a dynamic network

device; and placing at least a portion of the received description into one of a plurality of

sections includes placing the received description in a dynamic network device section of the

electronic list of network components (column 6 lines 38-67, see configuration file in columns 6-

7, "<!DOCTYPE device-config" and "<!ELEMENT device-config ...").

7.   In reference to claim 3, Gai teaches the method of claim 2, wherein the dynamic network device section includes a dynamic network device section element to describe a dynamic network device (column 6 lines 38-67, see configuration file in columns 6-7, "<!DOCTYPE device-config" and "<!ELEMENT device-config ...").

8.   In reference to claim 4, Gai teaches the method of claim 3, wherein the dynamic network device section element includes a data element to describe a network interface of the dynamic network device (column 6 lines 38-67, see configuration file in columns 6-7, "<!DOCTYPE device-config" and "<!ELEMENT device-config ...").

9.   In reference to claim 5, Gai teaches the method of claim 4, wherein the data element includes an information element to store a Media Access Control (MAC) address of the network interface of the dynamic network device (column 6 lines 38-67, see configuration file in columns 6-7, "<!DOCTYPE device-config" and "<!ELEMENT device-config ...").

10.   In reference to claim 6, Gai teaches the method of claim 1, wherein receiving the description of the network component includes receiving a description of a non-dynamic network device; and placing at least a portion of the received description into one of a plurality of sections includes placing the received description in a non-dynamic network device section of the electronic list of network components (column 6 lines 38-67).

11.   In reference to claim 7, Gai teaches the method of claim 6, wherein the non-dynamic network device section includes a non-dynamic network device section element to describe a non-dynamic network device (column 6 lines 38-67).

12. In reference to claim 8, Gai teaches the method of claim 7, wherein the non-dynamic network device section element includes a data element to store IP address information associated with the non-dynamic network device (column 6 lines 38-67).

13. In reference to claim 9, Gai teaches the method of claim 1, wherein receiving the description of the network component includes receiving a description of a power management device; and placing at least a portion of the received description into one of a plurality of sections includes placing the received description in a power management device section of the electronic list of network components (column 6 lines 38-67, see configuration file in columns 6-7, "<!DOCTYPE device-config" and "<!ELEMENT chassis ...").

14. In reference to claim 10, Gai teaches the method of claim 9, wherein the power management device section includes a list of power management devices (column 6 lines 38-67, see configuration file in columns 6-7, "<!DOCTYPE device-config" and "<!ELEMENT chassis ...").

15. In reference to claim 11, Gai teaches the method of claim 10, wherein the power management device list includes an association element to specify a network component associated with the described power management device (column 6 lines 38-67, see configuration file in columns 6-7, "<!DOCTYPE device-config" and "<!ELEMENT chassis ...").

16. In reference to claim 12, Gai teaches the method of claim 1, wherein receiving the description of the network component includes receiving a description of a hub; and placing at least a portion of the received description into one of a plurality of sections includes placing the

received description in a hub section of the electronic list of network components (column 6 lines 38-67).

17.   In reference to claim 13, Gai teaches the method of claim 12, wherein the hub section includes a hub section element to describe a hub (column 6 lines 38-67).

18.   In reference to claim 14, Gai teaches the method of claim 13, wherein the hub section element includes a data element having an association element to specify network components associated with the described hub (column 6 lines 38-67).

19.   In reference to claim 15, Gai teaches the method of claim 1, wherein receiving the description of the network component includes receiving a description of a Virtual Local Area Network (VLAN) switch; and placing at least a portion of the received description into one of a plurality of sections includes placing the received description in a VLAN switch section of the electronic list of network components (column 6 lines 38-67).

20.   In reference to claim 16, Gai teaches the method of claim 15, wherein the VLAN switch section includes a data element to describe the VLAN switch; and a data element to describe a port of the VLAN switch (column 6 lines 38-67).

21.   In reference to claim 17, Gai teaches the method of claim 16, wherein the data element includes an association element to specify a network component associated with the described port (column 6 lines 38-67).

22.   In reference to claim 18, Gai teaches the method of claim 1, wherein receiving the description of the network component includes receiving a description of a router; and placing at least a portion of the received description into one of a plurality of sections includes placing the

received description in a router section of the electronic list of network components (column 6

lines 38-67) .

23.   In reference to claim 19, Gai teaches the method of claim 18, wherein the router section

includes a data element to specify a router; and a router interface data element to describe a

router interface of the specified router (column 6 lines 38-67).

24.   In reference to claims 39-43, claims 39-43 are system claims that correspond to the

method claims of 1-19. Therefore, claims 39-43 are rejected based upon the same rationale as the

rejections of claims 1-19.

Claim Rejections - 35 USC § 103

25.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

26.   Claims 20-22 rejected under 35 U.S.C. 103(a) as being unpatentable over

Champagne et al (US Patent No 7,188,160) in view of Gai et al (US Patent No 6,697,360).

27.   In reference to claim 20, Champagne teaches the method of claim 1. Champagne fails to

explicitly teach wherein receiving the description of the network component includes receiving a

description of a Dynamic Host Configuration Protocol (DHCP) server; and placing at least a

portion of the received description into one of a plurality of sections includes placing the

received description in a DHCP server section of the electronic list of network components.

However Gai teaches wherein configuration information includes a description of DHCP server

configuration for the purpose of enabling DHCP message communication for device

configuration (column 7 lines 60-67 and column 10 lines 43-50). It would have been obvious for

one of ordinary skill in the art to modify Champagne wherein receiving the description of the

network component includes receiving a description of a Dynamic Host Configuration Protocol

(DHCP) server; and placing at least a portion of the received description into one of a plurality

of sections includes placing the received description in a DHCP server section of the electronic

list of network components as per the teachings of Gai for the purpose of enabling DHCP

message communication for device configuration.

28.   In reference to claim 21, Gai teaches the method of claim 20, wherein the DHCP server

section includes a DHCP server section element to describe the DHCP server (see Gai, column 9

lines 35-45).

29.   In reference to claim 22, Gai teaches the method of claim 21, wherein the DHCP server

section element includes a data element to specify the DHCP server; and a DHCP server

interface data element to describe an interface of the DHCP server (see Gai, column 9 lines 35-

45).

Conclusion

30.   The above rejections are based upon the broadest reasonable interpretation of the claims.

Applicant is advised that the above specified citations of the relied upon prior art are only

representative of the teachings of the prior art, and that any other supportive sections within the

entirety of the reference (including any figures, incorporation by references, claims and priority

documents) is implied as being applied to teach the scope of the claims.

31.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. See attached Form 892.

32.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this
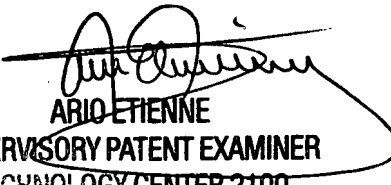
final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008.

The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO
July 18, 2007

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